G. R. S. 58

Previous references.

File No. 194-11

1911-12

Serial Nos. 1654

(Courts)

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1654

Part B. for March 12.

SUBJECT.

Forms under the Mysore Insolvency Regulation

Table of contents

(1) From the Registrar Chief court of Mysore.
No 2732/208 dt 8-1-12

Requests Sanction to the introduction of certain forms relating to the above Regulation, in supersession of the existing ones.

2. To Mr. V. A. Rajaratna Mudr. Registrar, Chief court-
no J. 2227 dt 6-2-12

Requests that the existing insolvency forms may be forwarded.

GPB.--8,000--7-4-07

3. From the same officer D.O. letter dt 7.3.12

Forwards the forms in manuscript as desired

4. To the Registrar Chief Court — D.O. T.2765 dt 21-3-1

Sanctions the introduction of the proposed forms and suggests for consideration whether a Rule — is not necessary under Section 5(1)(2)C, to bring into use the form under Section 48.

G.R.S. 11] 1911-12.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts File No. 194-11.

FILE HEADING.

Forms under the Mysore Insolvency Regulation 1911.

From

The Registrar, Chief Court of Mysore

No. 2732/205 Dated 8.1.12 Received 11.1.12.

Diary No. 1779 | Enclos. 13. Spare Copies. | Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Requests sanction to the introduction of certain forms relating to the Mysore Insolvency Regulation in supersession of the existing ones.

NOTES AND ORDERS.

Subs for orders. The existing forms are not printed in the Digest.

HC-122 JW(11)
16-1-12 17/1

Please bring up with all papers

2 The forms are based on the provisions of the Insolvency Reg^n and

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]
General and Revenue Secretariat

Ch. File No. 54 of 190

Serial No.

Seem to be all right and may be approved

SD

26/1/12

Rec'd 23.1.12

Personally handed to C[r] and return forwarded and stamped

2nd C[r]

3 Is not a form of petition by creditor (S. 11 Subs 2) necessary?

4 S. 27 (2) does not require any statement to be drawn up of creditors. Is the form given necessary or rightly to be prescribed?

5 S. 48 does not prescribe the serving of any notice as in form.

* The superseded forms referred to in Reg[r]'s letter should have been put up.

23/1/12

Please bring up tomorrow personally

SD

24/1/12

Explained to person

Will write to

Should be 57 (2) C

NOTE—Contn. sheet.

GPB—55,000—27-4-09

C A Smith

Serial No.

8 Draft D.O. requesting the Registrar to send the existing forms N° 24 to 49 is submitted for approval.

Hegr ex SW(11) 1-2-12 / 2.2.12

9 2/2/12

2 Do. Mr V. A. Rajasatna Mudaliar, Reptr. Chief Court no: J 2227 D/ 6.2.12

Requests that the existing Insolvency forms may be forwarded

3 From The same officer D.O. letter D/ 7.3.12

Forwards the forms in Manuscript as desired.

10 Subd. for orders. A statement shewing the new forms & the corresponding old forms is put up for reference.

V.N.(123) 8.3.12 SW(11) 8/3/12

11 There is no substantial difference between the forms now proposed and those now in use, except in Sofa as the new Insolvency Regulation is fuller than the provisions contained in Chapter XX of the old C.P.C. [I have marked in pencil the forms which are quite new]

12 May be approved

30

1.3.27

11/3/12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

13 The forms may be sanctioned. Suggest ~~who~~ ~~about~~ ~~form of petn by Creditor~~. Also whether a rule is not necessary under S. 57 (2) c to bring into use form under S. 48.

14/3/12

14 Rule draft - today

15/3/12

Ab/

15 Draft Subd.
K.N. (128) SN(1)
15.3.12

15/3

16 Issued

15/3/12

B
28/3/12

G. R. S. 12]
General and Revenue Secretariat.

Ch. File No. 194 of 1911

Serial No.	
4	do. The Registrar, Chief Court of Mysore no. J 2765 & 21.3.12 Sanctions the introduction of the proposed forms & Suggests for consideration whether a rule is not necessary under Section 51(2) C. to bring into use the form under Section 48.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

(6)

No: 2732/205 Ene: Forms (13

DIARY No. 1779

Chief Court of Mysore

Bangalore the 3rd January 1912.

RECEIVED in the Chief Court of Mysore 194-11.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore.
General and Revenue Departments.

Sir,

I am directed to request that you will be so good as to obtain the sanction of Government to the introduction of the accompanying Insolvency forms relating to the Mysore Insolvency Regulation VI of 1911. These forms are in supersession of the present forms Nos: 43 to 50 (both inclusive) prescribed under Rule of Practice No: 110 dated 22nd November 1902 and are adapted from forms which have been prescribed for the use of Subordinate Courts in the Bengal Presidency.

I have the honor to be,
Sir,
your most obedient servant,

Registrar.

137

(1)

Debtors Petition.
(Section 11 of the Mysore Insolvency Regulation.)
Form No. Civil.

IN THE COURT OF

at

Petition No. of 19 -19

Petitioner.

I (a) ordinarily residing at, (or, "carrying on business at", or " personally working for gain at", or"in custody at") in consequence of the order of (b) being unable to pay my debts, hereby petition that I may be adjudged an insolvent. The total amount of all pecuniary claims against me is Rs. (c) as set out in detail in Schedule A annexed hereunto, which contains the names and residence of all my creditors so far as they are known to, or can be ascertained by me. The amount and particulars of all my property are set out in Schedule B annexed hereunto together with a specification of all my property, not consisting of money, and the place or places at which such property is to be found and I hereby declare that I am willing to place all such property at the disposal of the Court save in so far as it includes such particulars (not being my books of account) as are exempted by law from attachment and sale in execution of a decree.

(a) Insert name and address and description of debtor.

(b) State name of Court and particulars of decree in respect of which the order of detention has been made, or by which an order of attachment has been made against debtor's property.

(c) State whether, and how any of the debts are secured.

✓ Verification clause as in plaints.

Signature.

Corrected to present form no 43.

3 8

Notice to creditors of the date of hearing of an Insolvency Petition. (Section 12 of the Mysore Insolvency Regulation. Form No. Civil.

IN THE COURT OF

at

Insolvency Application No. of 19 - 19-

Whereas has applied to this Court, by a petition dated of 19 , to be declared an insolvent under the Mysore Insolvency Regulation VI of 1911, and your name appears in the list of creditors filed by the aforesaid debtor, this is to give you - notice that the Court has fixed the day of 19 for the hearing of the aforesaid petition and the examination of the debtor. If you desire to be represented in the matter you should attend in person or by duly instructed pleader. The particulars of the debt alleged in the petition to be due to you are as follows.

(illegible)

J U D G E.

Date of filing of process.....

Date of making over process to Nazir.....

Date on which made over to process-server.....

Date of return by process-server after service.....

Date of return by Nazir to Court.....

(In the existing form declaration by insolvency and order of discharge are to be combined)

new

10

Order of adjudication.
(Section 16 of the Mysore Insolvency Regulation.)
Form No. Civil.

IN THE COURT OF

at

Insolvency application No. of 19 -19

See 16(1)

Pursuant to a petition, dated

against (

)

and on the application of (

)

and on reading

and hearing

it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this day of 19 .

J U D G E.

present form no 45

6

11

Order appointing a Receiver.
(Section 18 of the Mysore
Insolvency Regulation.)
Form No. Civil.

IN THE COURT OF

at

In the matter of an insolvent.

No. of 19 - 19

Whereas was adjudicated an insolvent by order of this Court, dated and it appears to the Court that the appointment of a Receiver for the property of the insolvent is necessary:-

It is ordered that a receiving order be made against the insolvent and a receiving order is hereby made against the insolvent and of is hereby constituted Receiver of the property of the said insolvent.

And it is further ordered that the said Receiver do give security to the extent of and that his remuneration be fixed at

Dated

New (Insolvency) 7

12

Notice of application by unscheduled creditor. (Section 24 (3) of the Mysore Insolvency Regulation.)
Form No. Civil.

IN THE COURT OF

at

In the matter of an insolvent.

No. of 19 - 19

To,

Whereas an application has been made to this Court by who claims to be a creditor of whose application to be declared an insolvent was filed in this Court on the day of 19 for permission to produce evidence of the amount and particulars of his (H's) pecuniary claims against the insolvent, and for an order directing his name to be entered in the schedule as a creditor for the debts which he may prove. This is to give you notice that the said application will be heard in this Court on the day of 19 , when you should appear personally, or by Pleader, if you desire to object to it.

Given under my hand and the seal of the Court, this the day of 19

J U D G E.

N.G.

6

Date of filing of process.....

Date of making over process to Nazir.....

Date on which made over to Process-server.....

Date of return by process-server after service.....

Date of return by Nazir to Court.....

9

Proof of debt. General Form. (Section 25 of the Mysore Insolvency Regulation.)
Form No. Civil.

IN THE COURT OF

Insolvency Application No. of 19 -19 .

Applicant.

In the matter of

No. *(a) of 19 .

*(a) Here insert number given in the notice.

I, of *(b)

*(b) Address in full.

make oath and say (or solemnly and sincerely affirm and declare)

1. That the said was/were , at the date of the petition, viz, the day of 19 and still is/are justly and truly indebted to me in the sum of -

Rs. As. P. for *(c) as shown by the account endorsed hereon (or the following account), viz , for which sum or any part thereof I say that I have not, nor hath or any person by my (?) order to my knowledge or belief for my (?) use had or received any manner of satisfaction or security whatsoever save and except the following *(d).

*(c) State consideration and specify the vouchers (if any) in support of the claim.

2. any part

*(d) Here details of securities, bills or the like.

Admitted to note for Rs.

J U D G E.

Sworn at this day of 19 .

before me.

Commissioner.

Deponent's signature.

N G

Near

10

15

Notice to creditors of the date of consideration of a composition or scheme of arrangement. (Section 27 (1) of the Mysore Insolvency Regulation. Form No. Civil.

IN THE COURT OF

at

Insolvency Application No. of 19 -19

Applicant.

Take notice that the Court has fixed the

day of 19 , for the consideration of a composition (or scheme of arrangement) submitted by

the debtor in the above insolvency petition.

No creditor who has not proved his debt before the aforesaid date will be permitted to note on the consideration of the above matter. If you desire to be represented at the above-mentioned hearing you should be present in person or by duly instructed pleader with your proofs.

J U D G E.

N.G.

List of creditors for use at meeting held for consideration of composition or scheme. [Section 27(2)] of the Mysore Insolvency Regulation Form No—Civil.

In the Court of

at

In the matter of Insolvency

Application No. of 19 - 19

A p p l i c a n t.

Meeting held at this day of 19

Number	Names of all creditors whose proofs have been admitted.	Here state as to each creditor whether he voted and, if so, whether personally or by pleader.	Amount of assets.	Amount of admitted proof.
		Total		

Required number of majority.....

Required value .....Rs.

A.V.

Notice to persons claiming to be creditors of intention to declare final dividend. (section 39 (4) of the Mysore Insolvency Regulation).

Form No. Civil.

new

12

16

In the Court of

at

In the matter of

Insolvency Application No. of 19 -19

Applicant.

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the day of 19 , or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this day of 19 .

Receiver.

A.V.

13

17

Order annulling adjudication.

(Section 42 of the Mysore Insolvency Regulation.

Form No. Civil.

In the Court of

at

Insolvency Application No. of 19 - 19 .

Applicant.

On the application of .....

of , and on reading

and hearing

, it is ordered that the order of the adjudication dated against

of , be and the same is here by annulled.

Judge.

A.V.

Notice to creditors of application for discharge. (Section 44 (3) of the Mysore Insolvency Regulation

Form No. Civil.

14

18

In the Court of

at

Insolvency Case No. of 19 - 19 .

A p p l i c a n t .

Take notice that the above named insolvent has applied at the Court for his discharge, and that the Court has fixed@@@ the day of 19 at O'clock for hearing the application.

Dated this day of 19 .

J u d g e .

A.V.

Order of discharge.

(Section 44 (2) of the the Mysore Insolvency Regulation.

Form No. Civil.

Case expunged to no 69 15

19

In the Court of

at

Insolvency Case No. of 19 - 19 .

A p p l i c a n t .

On the application of adjudged in solvent on the day of 19 , and upon taking into consideration the report of the Receiver as to the insolvent's conduct and affairs, and hearing and creditors :-

It is ordered that the insolvent (a) be discharged forthwith ; or (b) be discharged on the , or (c) be discharged subject to the following conditions as to his future earnings, after-acquired property, and income :-

After setting aside out of the insolvent's earnings, after-acquired property and income, the yearly sum of Rs for the support of himself and his family, the insolvent shall pay the surplus, if any, (or such portion of such surplus as the Court determine), of such earnings, after-acquired property, and income to the Court or Official Receiver (or receiver) for distribution among the creditors in the @ insolvency. An account shall, on the 1st day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent into Court or to the Official Receiver (Receiver) within fourteen days of the filing of the said account. @

Condition here are not entered

Dated this day of 19 .

J u d g e .

A.V.

Summary administration

notice to creditors.

(Section 48 of the Mysore Insolvency Regulation).

Form No. Civil.

New

16

20

In the Court of

at

Insolvency Case No. of 19 -19

A p p l i c a n t.

Take notice that on the day of 19 , the above named debtor presented a petition to this Court praying to be adjudicated an insolvent and that on the day of 19 , the Court being satisfied that the property of the debtor is not likely to exceed Rs: 500/- , directed that the debtor's estate be administered in a summary manner and appointed the day of 19 for the further hearing of the said petition and examination of the said debtor.

Also take notice that the Court may on the aforesaid date then and there proceed to adjudication and distribution of the assets of the aforesaid debtor. It will be open to you to appear and give evidence on that date. Proof of any claim you desire to make must be lodged in Court on or before that date.

Given under my hand and the seal of the Court this day of 19 .

J u d g e.

A.V.

4/2/12

21 17

G.R.S. 26]

Cls File No. 194-11

Serial No. 2

Diary No. of letter replied to

General and Revenue Secretariat

( )

, *the* 19 .

Date of issue 6-2-1912

Signed by [illegible]

D.O. No. J2227.

~~To~~

My dear Sir,

I am desired to request you to be so good as to send to me as early as practicable, the existing Insolvency forms Nos 44 to 69 both inclusive for reference in connection with the questioning their revision, proposed in your letter No 2732/205 of 8th January 1912

Yours Sincerely,

Sd

over.

(in printed or in manuscript)

SUBJECT.

SW (11) 4/2/12

V.A. Rajasatra Mudaliar Esq
Regr. Ch. C.

Sd SW

DIARY No. 2327
GOVERNMENT OF INDIA
Madras Courts
7 March 1911
FILE No. 1941-11
CLASS No. 3.

My dear Sir

I am desired to send the existing Insolvency Forms Nos. 44 to 49, as asked for in your D.O. of the 6th inst. I am to request that Sanction may be accorded for the new forms as early as possible as the Indents have

to be revised & issued soon.

Yours sincerely
S Jayatilaka

S. Hunjaumaiya Esq
Asst. Secy to Govt

Notice of application to be declared an insolvent. Section 347, C. P. Code.

Form No. 43, Civil.

IN THE COURT OF AT

Insolvency Case No. *of 19*

In the matter of Chapter XX of the Code of Civil Procedure, and in the matter of the petition of residing

but now

Notice is hereby given that an application was filed in this Court by the said on the day of 19 , praying for the benefit of the provisions of the said Chapter XX of the Code of Civil Procedure, and to be declared an Insolvent under Section 351 of the said Code; and that the matter of the said application will be heard on the day of 19 at clock at which time the said applicant is required to appear in person before this Court, and then and there abide such order as the Court shall make on his behalf; and that all persons claiming to be creditors of the said are at liberty to appear and oppose the said application.

Given under my hand and the Seal of the Court, this day of 19

[L. S.

Judge.

Declaration of Insolvency and discharge of insolvent when Receiver is not appointed.

Section 351 C. P. Code.

Form No. 44 Civil.

In the Court of the

In the matter of

an insolvent judgment debtor,

Insolvency Case No. of 19

Order

The application of the above named

to be discharged from custody

coming on to be heard before

in the presence of

on the part of the applicant

and in the presence of

on the part of

being creditors of the said applicant, and the

22

following Creditors although duly served with notice of the hearing have failed to appear either in person or by pleader viz:-

It is hereby declared that the said

is an insolvent, and, as such, entitled to the benefits of the provisions of Chapter XX of the Code of Civil Procedure, and it is ordered that the said insolvent be and he is hereby discharged from custody and from all liability to be arrested or imprisoned in respect of any of the debts mentioned in the schedule hereto annexed.

Given under my hand and the seal of this Court this day of 19

Judge

Schedule of debts

Number	Names and description of Creditors or claimants and their present or last known residences.	Amount	When Contracted	Nature and consideration of the debt and securities if any.	Remarks.

23

24

Declaration of Insolvency when Receiver is appointed. Section 351, C. P. Code.

Form No. 45, Civil.

IN THE COURT OF AT

Insolvency Case No. *of 191* .

In the matter of

an Insolvent Judgment-debtor

ORDER.

The application of abovenamed
to be discharged from the custody coming on to be heard before
in the presence of
on the part of the applicant
and in the presence of
on the part of

being the creditors of the said applicant
and the following creditors, although duly served with notice of the hearing having failed to appear either in person or by Pleader, *viz.*

It is hereby declared that the said
is an Insolvent, and as such entitled to the benefit of the provisions of the Chapter XX of the Code of Civil Procedure, and is ordered that
, on his giving such security as is hereinafter mentioned
be appointed a Receiver of the property of the said
Insolvent, and that the said
do forthwith, and before he shall enter upon his duties as such Receiver, give good and sufficient security by bond with two or more able sureties to be approved by the Court duly to account for and administer the estate of the said Insolvent, and that the said
do retain as a remuneration for the performance of his duties as such Receiver a commission at the rate of per cent upon the amount of the balance distributed by him among the Scheduled Creditors of the said Insolvent.

Given under my hand and the seal of the Court this day of 9 .

(L. S.)

Judge.

GPB 130—11/2/11.

Bond to be given by Receiver.
Section 351, C. P. Code.
Form No. 46, Civil.

IN THE COURT OF AT

In the matter of the Insolvency of the Judgment-debtor

Know all men by these presents that we

jointly and severally bind ourselves, our heirs, attorneys, executors and representatives to for the time being, or to the Judge of the Court of or his successor in office in the sum of

Rupees.

Dated this day of 191 .

And whereas among other matters connected with the above case, an order has been passed by this Court appointing us as Receivers of the properties belonging to the said Insolvent on his furnishing security, we the said

submitting to the said order, bind ourselves to act up to the provisions contained in Sections 355, 356 and 357, as also to the orders of this Court incidental to this case, in respect of the properties and the management thereof of the said Insolvent. If these matters are acted upon, the above obligation will be void, otherwise failing which, it shall remain in full force.

Signed and delivered by the above bounden in the presence of

Note.—If money or other property is deposited the same should be described in the bond.

GPB—75—23-12 11

Appointment of Receiver. Section 351 C.P. Code. Form No. 47 Civil.

In the Court of the

In the matter of

an insolvent judgment-debtor.

To

Whereas by an order of this Court made in this matter and bearing date the day of 19 , it was amongst other things ordered that you be appointed Receiver of the property of the above named Insolvent upon your giving such Security as is therein mentioned, and whereas such Security has now been given. You are hereby appointed Receiver of the said property under Chapter XX of the Code of Civil Procedure, with full powers under the provisions of that Chapter

Given under my hand and the Seal of the Court this day of 19

Judge

Declaration of Scheduled Creditors.
Section 352, C. P. Code.

Form No. 48, Civil.

IN THE COURT OF AT

In the matter of
an Insolvent Judgment-debtor.

Insolvency Case No. *of* 191 .

Order.

The application of the abovenamed to be discharged from custody coming on to be heard before in the presence of on the part of the said Insolvent and in the presence of on the part of

being creditors of the said Insolvent; and the following creditors, although duly served with notice of the hearing, having failed to appear either in person or by pleader, *viz.*,

It is declared and determined that the several persons whose names are set forth in the schedule hereto have proved themselves to be creditors of the said Insolvent for the amounts set opposite their respective names in the said schedule.

No.	Names, description and residence of creditors	Amounts of proved debtors	Nature and consideration of the debts and securities (if any) of the same

Given under my hand and the seal of the Court, this day of 191 .

(Seal.)

GPB—95—2-12-11

Discharge of insolvent
on Receiver's certificate.
Section 355 C. P. Code.
Form No. 69 Civil.

In the Court of

In the matter of

an insolvent judgment debtor.

This matter coming on to be heard
before
of
the said insolvent
in the presence of
part of
in the presence
on the part of
and
on the

being creditors of the aforesaid Insolvent and
upon reading the certificate of
the Receiver of the property of the above named
Insolvent, bearing date the day of
19 . It is ordered that the
said Insolvent be, and he is hereby, discharged
from arrest (or imprisonment) and from all

liability to be arrested or imprisoned in respect of any of the debts mentioned in the Schedule to the order made in this matter, and bearing date the day of 19 .

Given under my hand and the Seal of the Court, this day of 19 .

Judge

Discharge of Insolvent when debts do not exceed Rs. 200. Section 358, C. P. Code.

Form No 50, Civil.

IN THE COURT OF AT

In the matter of

an Insolvent Judgment-debtor

This matter coming on to be heard before
in the presence of
on the part of the said Insolvent
and in the presence of
on the part of

being creditors of the aforesaid Insolvent, and upon reading the certificate of the receiver of the property of the above named Insolvent, hearing date the day of 190 , and it appearing that the aggregate amount of the debts of the above named Insolvent set forth in the schedule to the order made in this matter and hearing date the day of 190 , does not exceed the sum of Rupees 200, it is declared that the said Insolvent is absolved from all further liability in respect of such debts not only personally, but also with respect to all property to be hereafter acquired by him.

Given under my hand and the seal of the Court this day of

(L. S.)

Judge.

GPE—100—23-8-06

G.R.S. 28.

File No. 194-11

Serial No. 4

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(25)

READ--

Letter no. 2732/205 & 8 Dt.

, *the* 19

Jany 12 from the Registrar,

Date of issue 21-3-12

Chief Court of Mysore, requesting

Signed by Mr B Narainsamiengar

sanction of Govt to the introduction of certain forms relating to the

ORDER THEREON.—No.

Mysore Insolvency Regulation, VI

of 1911, in supersession of the forms

now in ~~vogue~~ use, stating that

these are adapted from forms

which have been prescribed

over

SUBJECT.

GPB—10,000—19-4-10

for the use of the Subordinate Courts in the Bengal Presidency.

Order thereon: j2465/c5-194-11-4. d 21-3-12

The introduction of the forms received with the letter read above is sanctioned. It is, however, suggested for Consideration whether a rule is not necessary under Section 51 (2) c to bring into use the form under Section 48.

For Secretary

To. The Registrar, Chief Court of Mysore

K.N.(123) SW(11)
15.3.12 19/3/12